

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 1082 - L.D. 1473

An Act To Clarify Rights-of-way Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §469-A, sub-§§1 and 2, as enacted by PL 1987, c. 385, §4, are amended to read:

1. Reservation of title. Any conveyance made before ~~the effective date of this section which~~ September 29, 1987 that conveyed land abutting upon a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds ~~shall be~~ is deemed to have conveyed all of the grantor's interest in the portion of the way ~~which that~~ abuts the land conveyed, unless the grantor expressly reserved ~~his~~ the grantor's title to the way by a specific reference to this reservation in the conveyance of the land.

2. Intent to reserve. Any grantor who, before ~~the effective date of this section~~ September 29, 1987, conveyed land abutting a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds with the intent to reserve title to the way, but who did not expressly reserve title to the way as required in subsection 1, or any person who claims title to the way by, through or under the grantor, may preserve the grantor's claim by recording the notice set forth in subsection 3, in the registry of deeds where the pertinent subdivision plan is recorded, within 2 years after ~~the effective date of this section~~ September 29, 1987.

Sec. 2. 33 MRSA §469-A, sub-§6, as enacted by PL 1987, c. 385, §4, is amended to read:

6. Lack of reservation. Any person owning land in this State abutting a proposed, unaccepted way or portion of a proposed, unaccepted way, whose predecessors in title had not reserved title in the way under subsection 1 or 2, is deemed to own to the center line of the way or portion of the way, except for a proposed, unaccepted way under subsection 6-A.

Sec. 3. 33 MRSA §469-A, sub-§6-A is enacted to read:

6-A. Bounded by other property. A person owning land in a subdivision abutting a proposed, unaccepted way or portion of a proposed, unaccepted way owns the entire width of the portion of the way that abuts the person's land if:

A. The proposed, unaccepted way or portion of the proposed, unaccepted way is part of the subdivision and is laid out on the subdivision plan recorded in the registry of deeds;

B. The person's predecessors in title had not reserved title in the proposed, unaccepted way or portion of the proposed, unaccepted way under subsection 1 or 2; and

C. The proposed, unaccepted way or portion of the proposed, unaccepted way is bounded on the opposite side by land that is not included in the subdivision.

If the land on the opposite side of a proposed, unaccepted way or a portion of a proposed, unaccepted way under this subsection extends beyond the person's land, then the person owns the entire width of that portion of the extension of the proposed, unaccepted way that is not bounded by another owner's land on the person's side of the way.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor